

**RALEIGH BOARD OF ADJUSTMENT
DECISIONS**

JUNE 9, 2014

A-37-13 WHEREAS, as required by the findings of fact associated with this project's approval, the Board required a review of this project one year after its approval. The case involved a modification and/or amendment to a previous Special Use Permit for an adult establishment with regard to hours of operation to extend its hours of operation to 11:00 a.m. to 2:30 a.m. Monday through Friday, and 11:00 a.m. to 2:00 a.m. Saturday in the Thoroughfare District with Special Highway-2 and Airport Overlays at 6713 Mt. Herman Road.

Decision: Continued Special Use Permit with no further review.

A-25-14 WHEREAS, Group Ventures Edwards Mill LLC, property owners, request a variance from section 10-2084 of the part 10 zoning code to allow for off-site advertising on property zoned Office and Institution-1 and located at 3001 Edwards Mill Road. In addition, the applicant requests an appeal of the administrative decision associated with the Code Interpretation Request (UI-5-14) related to off-premise signage associated with BOA Appeal A-25-14.

Decision: 1. Upheld staff's interpretation.
2. Denied variance request.

A-28-14 WHEREAS, Sukanto and Nwedita Biswas, property owners, request a 1.8 foot side yard setback variance to legalize an existing structure and a 5.7 to 7.2 foot rear yard setback variance to construct a sunroom pursuant to section 2.2.1 of the Unified Development Ordinance resulting in a 8.2 foot side yard setback and a 22.8 foot rear yard setback for property zoned Residential-4 and located at 509 Killarney Hope Drive.

Decision: Withdrawn; staff determined no variance required. Filing fee returned to applicant.

A-29-14 WHEREAS, Steven M. Taynton, property owner, requests a 20.5 foot rear yard setback variance to legalize an existing structure and a 6.8 foot side yard setback variance to construct a covered porch pursuant to section 2.2.1 of the Unified Development Ordinance resulting in a 9.5 foot rear yard setback and a 3.2 foot side yard setback for property zoned Residential-4 and located at 2757 Rue Sans Famille.

Decision: Approved variances as requested.

A-30-14 WHEREAS, Lisa Monette, property owner, requests a .3' side yard setback variance pursuant to section 2.2.1 of the Unified Development Ordinance to legalize an existing dwelling and allow for its vertical expansion resulting in a 9.7 foot side yard setback for property zoned Residential-4 and located at 2603 Hazelwood Drive.

Decision: Approved variances as requested.

A-31-14 WHEREAS, East Side Garden, LLC, property owner, requests a variance from Section 10-2083.1(h) of the part 10 zoning code which limits maximum signage to 2 square feet per linear foot on the side of the building facing a street from which the establishment has a direct grade level public entrance for a property zoned Industrial-2 and Pedestrian Business Overlay District and located at 320½ Glenwood Avenue.

Decision: Deferred to the Board's July 14, 2014 meeting.

A-32-14 WHEREAS, Stacy Lewis, property owner, requests a special use permit to allow live-work for an art studio and for art instruction pursuant to section 6.7.3 of the Unified Development Ordinance on property zoned Residential-b and located at 1119 E. Martin Street.

Decision: Approved.

A-33-14 WHEREAS, Les and Audrey Bernstein, property owners, requests a special use permit to allow live-work for embroidery and design business pursuant to section 6.7.3 of the Unified Development Ordinance on property zoned Residential-4 and located at 10520 Neland Street.

Decision: Approved.

A-34-14 WHEREAS, The Wood Pile, LLC, property owner, requests a variance from Section 7.1.1.D of the Unified Development Ordinance and Section 6.6 of the Raleigh Street Design Manual which requires paving of required parking areas for a proposed temporary school on property zoned Office and Institution-2, Shopping Center and Neighborhood Conservation Overlay District (New Bern Edenton) located at 600 New Bern Avenue and 17 S. Swain Street.

Decision: Approved variances as requested with the following conditions:

1. Variance expires 3 years after findings of fact for this case are approved at the Board's July 14, 2014 meeting or cessation of use of the property for the Exploris Elementary school, whichever is sooner; and
2. Applicant submits a plan designating the parking areas and the areas that are to be paved in connection with site plan approval, and the Applicant develops the lot in accordance with such plan.

A-35-14 WHEREAS, McCoy LLC, property owner, requests a 15.4 foot front yard setback variance, 3.3 foot and 1.5 foot side yard setback variances and a 9.8 aggregate side yard setback variance to legalize an existing structure pursuant to section 10-2075 of the part 10 zoning code resulting in a 4.6 foot front yard setback, 1.7 foot and 3.5 foot side yard setbacks and a 5.2 foot aggregate side yard setback for property zoned Residential-20 and located at 612 E. South Street. The property owner also requests a variance from Section 10-2081 of the part

10 zoning code's schedule of off-street parking requirements to eliminate the requirement for off-street parking for a single family dwelling.

Decision: Approved as requested.

A-36-14 WHEREAS, McCoy LLC, property owner, requests a 15.32 foot front yard setback variance, 2.22 foot and a 2.58 side yard setback variances and a 9.8 aggregate side yard setback variance to legalize an existing structure pursuant to section 10-2075 of the part 10 zoning code resulting in a 4.68 foot front yard setback, 2.42 foot and 2.78 foot side yard setbacks and a 5.2 foot aggregate side yard setback for property zoned Residential-20 and located at 608 E. South Street. The property owner also requests a variance from Section 10-2081 of the part 10 zoning code's schedule of off-street parking requirements to eliminate the requirement for off-street parking for a single-family dwelling.

Decision: Approved as requested.

A-37-14 WHEREAS, McCoy LLC, property owner, requests a 15.32 foot front yard setback variance, 2.41 foot and 1.47 foot side yard setback variances and a side yard setback variance and a 9.1 aggregate side yard setback variance to legalize an existing structure pursuant to section 10-2075 of the part 10 zoning code resulting in a 4.68 foot front yard setback, 2.59 foot and 3.53 foot side yard setbacks and a 6.12 foot aggregate side yard setback for property zoned Residential-20 and located at 610 E. South Street. The property owner also requests a variance from Section 10-2081 of the part 10 zoning code's schedule of off-street parking requirements to eliminate the requirement for off-street parking for a single-family dwelling.

Decision: Approved as requested.

A-38-14 WHEREAS, Wayne Timberlake, property owner, requests a variance from section 1.5.5D.1 of the Unified Development Ordinance to allow for the combined parking and driveway area for an attached house in Residential District to be increased from 40% of the front yard area to 57% of the front yard area for property zoned Residential-4 and located at 4409 Rock Quarry Road.

Decision: Hearing held open to the Board's July 14, 2014 meeting.



Charles Coble, Chairman
Raleigh Board of Adjustment

6-17-14

Date